

The Appeals Board finds that claimant has not proven by a preponderance of the credible evidence that he suffered accidental injury arising out of and in the course of his employment while working for the respondent on the dates alleged. As such the Order of the Administrative Law Judge should be affirmed.

Claimant acknowledged suffering an initial injury five years prior to the alleged date of accident in this case. The medical history to his back provided to the doctors by the claimant indicated that claimant thought his ongoing back problems stemmed from the initial injury to his back. Claimant cannot point to a specific current injury as the cause of his current problems.

Under the Workers Compensation Act it is claimant's burden to prove his entitlement to an award for compensation by a preponderance of the credible evidence. See K.S.A. 44-501 and K.S.A. 44-508(g). See *also* Box v. Cessna Aircraft Co., 236 Kan. 237, 689 P.2d 871 (1984). The Appeals Board finds that claimant has failed in this burden.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Kenneth S. Johnson dated December 20, 1996, should be and is affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 1997.

BOARD MEMBER

c: Lawrence M. Gurney, Wichita, KS
Kerry McQueen, Liberal, KS
Kenneth S. Johnson, Administrative Law Judge
Philip S. Harness, Director